

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of this amendment, claims 1, 10 and 22 have been canceled and claims 2, 4, 5, 11-13, 15, 17 and 23-24 have been amended. Claims 2-9, 11-21, 23, and 24 therefore remain pending in the present application, of which, claims 4, 13 and 17 are independent claims. No new matter has been added by way of the claim amendments.

Claims 6, 10-12 and 22-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 5, 6, 17 and 18 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz, "On Data Filing Algorithms for MRC Layers" ("Queiroz"). Claim 2 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz in view of U.S. Patent No. 6,236,757 to Zeng. Claim 3 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz in view of the MRC standard (ITU-T T.44 04/99). Claims 7-12 and 19-24 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz in view of Izquierdo et al, "Texture Smoothing and Object Segmentation Using Feature-Adaptive Gaussian Filtering" ("Izquierdo et al").

At least by virtue of the amendments above and the following remarks, it is respectfully submitted that the alleged rejections identified in the Office Action have either been overcome or are now considered moot.

Allowable Subject Matter

The indication that claims 4 and 13-16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form is noted with appreciation. By virtue of the amendments above, claims 4 and 13 have been rewritten in

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independent form including all of the features of their respective base claims. Thus, claims 4 and 13, and the claims that depend therefrom, are allowable over the cited art of record.

Information Disclosure Statements

The indication that the references cited in the Information Disclosure Statements filed on July 29, 2003 and April 6, 2004 have been considered is also noted with appreciation.

Drawings

Fig. 6 has been objected to as allegedly failing to accurately describe its corresponding embodiment. Fig. 6 and its corresponding description have been amended to more accurately describe the embodiment. In addition, submitted herewith is a "REPLACEMENT SHEET" of revised Fig. 6, in which the arrow going from step 662 to step 620 has been changed to go to step 630. No new matter has been added by way of the drawing change.

Specification

The disclosure was objected to because page 3 was missing from the Examiner's copy of the filed application. A copy of originally filed page 3 is attached at the end of this Office Action response along with a copy of the postcard transmittal indicating that the transmittal of the application included 35 pages. Thus, the original transmittal of the application included page 3. No new matter has been added by way of the page 3 submission and entry thereof is therefore respectfully submitted.

Claim Rejection Under 35 U.S.C. §112

Claims 6, 10-12, 22, and 23 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that “the causal irrelevant pixels” in line 6 of claim 6 lacks insufficient antecedent basis. Claim 6 has been amended to be in better compliance with the provisions of 35 U.S.C. 112, second paragraph.

Further, the Office Action asserted that the terms “m₁” and “m₂” in claims 10-12 and 22-24 are not defined and, therefore, render the claims indefinite. By virtue of the amendments above, claims 10 and 22 have been canceled and claims 11, 12, 23, and 24 have been amended. Applicant respectfully submits that claims 11, 12, 23 and 24, as amended, adequately define “m₁” and “m₂,” since the ratio of “m₁” to “m₂” is defined in each of these claims.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 6, 10-12, 22, and 23.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

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be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1, 5, 6, 17, and 18

Claims 1, 5, 6, 17, and 18 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz. This rejection is respectfully traversed for at least the following reasons.

Initially, claim 1 has been canceled and the features contained therein have been incorporated into amended claim 4. As stated above, and as noted in the Office Action, Queiroz fails to disclose each and every element claimed in claim 4 and claim 4 is considered to be allowable over the disclosure contained in Queiroz. In addition, claim 17 has been amended to include features of allowable claims 13 and 15, which have been indicated as being allowable. As such, the rejection of claims 4 and 17 of the present invention are now considered moot.

Claims 5, 6, and 18, which depend from claim 4 or claim 17, are also allowable over Queiroz at least by virtue of their dependencies.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1, 5, 6, 17, and 18.

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Claim 2

Claim 2 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz in view of U.S. Patent No. 6,236,757 to Zeng. This rejection is respectfully traversed for at least the following reasons.

By virtue of the amendments above, Claim 2 has been amended to depend from allowable claim 4. In addition, the Official Action has not asserted that the disclosure in Zeng makes up for the deficiencies in Queiroz with respect to claim 4. Thus, claim 2 is also allowable over Queiroz in view of Zeng. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 2.

Claim 3

Claim 3 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz in view of the MRC standard (ITU-T T.44 04/99). This rejection is respectfully traversed for at least the following reasons.

Claim 3 is dependent on allowable claim 4 through claim 2. In addition, the Official Action has not asserted that the disclosure in the MRC standard document makes up for the deficiencies in Queiroz with respect to claim 4. Thus, claim 3 is also allowable over Queiroz in view of the MRC standard document. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 3.

Claims 7-12 and 19-24

Claims 7-12 and 19-24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Queiroz in view of Izquierdo et al, "Texture Smoothing and Object

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Segmentation Using Feature-Adaptive Gaussian Filtering” (“Izquierdo et al”). This rejection is respectfully traversed for at least the following reasons.

Claims 7-12 are dependent on allowable claim 4. Claims 19-24 are dependent on allowable claim 17. In addition, the Official Action has not asserted that the disclosure in the Izquierdo et al. makes up for the deficiencies in Queiroz with respect to either claim 4 or claim 17. Thus, claims 7-12 and 19-24 are also allowable over Queiroz in view of Izquierdo et al. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 7-12 and 19-24.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please

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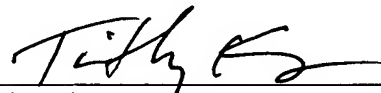
grant any required extensions of time and charge any fees due in connection with this request
to deposit account no. 08-2025.

Respectfully submitted,

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By



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